

Court of Appeals, State of Michigan

ORDER

Michael Alan Ruszkiewicz v Macomb Circuit Judge

Docket No. 267775

LC No. 94-001150-FC

Henry William Saad
Presiding Judge

Kathleen Jansen

E. Thomas Fitzgerald
Judges

The complaint for superintending control is DISMISSED due to the fact that plaintiff has not shown that the defendant failed to perform a clear legal duty. *In re Wayne Co Prosecutor*, 232 Mich App 482, 484; 591 NW2d 539 (1998). Furthermore, other adequate legal remedies are available to plaintiff. MCR 3.302(B); *Dept of Public Health v Rivergate Manor*, 452 Mich 495, 500; 550 NW2d 515 (1996).

Plaintiff's motion for appointment of counsel is DENIED as moot.

Plaintiff's motion to remand for an evidentiary hearing is DENIED as moot.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

MAR 27 2006

Date

Sandra Schultz Mengel
Chief Clerk